



*State of New Jersey*

**DEPARTMENT OF HEALTH AND SENIOR SERVICES**

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

RICHARD J. CODEY  
*Acting Governor*

FRED M. JACOBS, M.D., J.D.  
*Commissioner*

October 7, 2005

Mr. John Grembowiec  
University Hospital EMS  
Mobile Intensive Care Unit  
150 Cabinet Street  
Newark, New Jersey 07107

Re: **Notice of Proposed Assessment of Penalties:  
Basic Life Support Ambulance and  
Mobility Assistance Vehicle Service Provider**  
Investigation Control #05-B-075

Dear Mr. Grembowiec:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services (the Department) adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On August 17, 2005, staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unscheduled vehicle inspection of University Hospital's ambulance #126, New Jersey license plate #SG21665, parked at Trinitas Hospital in Elizabeth, New Jersey.

The inspection revealed that the portable and installed aspirators in the vehicle were both found to be inoperable.

As you should know:

N.J.A.C. 8:40-6.7(a)2 states, "The installed aspirator shall be powered by the vehicle's electrical system and shall be securely mounted and located so as to allow easy access for aspiration of any stretcher bound patient. The aspirator shall provide a flow rate of at least 30 liters per minute at the end of the suction tube and a vacuum pressure of at least 300 mmHg within four seconds and a maximum vacuum pressure of at least 400 mmHg during the entire normal range of vehicle operation."

N.J.A.C. 8:40-6.7(a)3 states, "The portable aspirator shall be powered by an integral battery. The aspirator shall provide a flow rate of at least 25 liters per minute at the end of the suction tube and a vacuum pressure of at least 300 mmHg within four seconds and a maximum vacuum pressure of at least 400 mmHg for at least 20 minutes. BLS ambulances that utilize aspirators that are powered by field replaceable batteries shall carry a sufficient supply of batteries to permit the device to operate continuously and, in accordance with Federal Specifications for Ambulances, KKK-A-1822 "Portable Suction Aspirator," to meet the flow and vacuum pressure requirements for at least 20 minutes."

Pursuant to N.J.S.A. 26:2H-14, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards. Therefore, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e)5, you are hereby assessed a penalty of \$250 for violation of N.J.A.C. 8:40-6.7(a)2 and \$250 for violation of N.J.A.C. 8:40-6.7(a)3.

A certified check or money order in the amount of \$500 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred to the Office of the Attorney General for collection (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, NJ 08625-0360  
Attn: Ms. Karen Halupke

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiency noted above. In the event that

you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

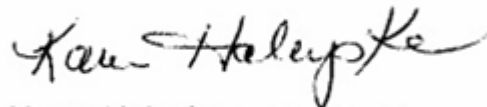
Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, N.J. 08625-0360  
Attn: Ms. Michele Stark

Please include control number 05-B-075 on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final, and the entire \$500 shall be immediately due and payable.**

If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. of my office at (609) 633-7777.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Halupke".

Karen Halupke, R.N., M.Ed  
Director, Emergency Medical Services

c: David Gruber, Assistant Commissioner  
Michele Stark, OLRA  
Samuel Stewart, Esq., OEMS  
Charles McSweeney, OEMS

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL # 7002 2410 0003 3470 6344

**RETURN RECEIPT REQUESTED**